

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 7, 2000
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Hostetler.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of October 24, 2000, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

RECOGNITION Wichita's Promise Youth were recognized.

AWARD Presentation – McAdams Golf Course Club

NEW BUSINESSIRB ROYAL CARIBBEAN AMENDED LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – ROYAL CARIBBEAN CRUISES LTD. (District IV)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 00-1069.

On October 12, 1999, the City Council approved the issuance of a one-year Letter of Intent for Industrial Revenue Bonds ("IRBs") in an amount not-to-exceed \$18,425,000 to Royal Caribbean Cruises Ltd, and a 100% five-plus-five-year property tax exemption, in conjunction with their current expansion project. Bond proceeds were used to acquire, renovate and equip a 23,000 sq. ft. facility located at 4729 S. Palisade in south Wichita, for use as a telephone reservation center. Royal Caribbean Cruises Ltd. had requested a six-month extension to the term of the Letter of Intent. On September 26, 2000, City Council approved an additional six-month extension through April 12, 2001, because construction of the project was not complete and cost associated with the project were not finalized. Royal Caribbean Cruises Ltd. is now requesting to modify the Letter of Intent to increase the not-to-exceed amount by an additional \$1,375,000. The proposed amended amount of the Letter of Intent is not-to-exceed \$19,800,000.

In conjunction with its original proposed project, Royal Caribbean Cruises Ltd., has identified additional expansion requirements. The proposed \$1,375,000 increase is attributed to increased costs for technology infrastructure, equipment and furnishings for the facility. All other provisions of the Letter of Intent shall remain unchanged.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 3

An analysis of the amended sources and uses of project funds is:

USES OF FUNDS

Construction of New Office Building	\$ 9,825,000
Technology Infrastructure and related equipment	4,664,000
Furnishings	2,733,000
Acquisition and Construction of Parking Lot	<u>2,578,000</u>
Total Cost of Project:	\$19,800,000

Royal Caribbean Cruises Ltd. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

A new cost benefit analysis was performed by the Wichita State University Center for Economic Development and Business Research. New benefit-to-cost ratios for the amended Letter of Intent are:

City of Wichita	2.70 to one
Sedgwick County	2.13 to one
USD 259	1.20 to one
State of Kansas	6.88 to one

Bond documents required for the issuance of the bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Gale moved that the public hearing be closed; an amended Letter of Intent to Royal Caribbean Cruises Ltd. for Industrial Revenue Bonds in an amount not-to-exceed \$19,800,000, and a 100% five-plus-five-year property tax exemption, subject to Standard Letter of Intent Conditions, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

WEAVER MFG. INC.

TAX EXEMPTION REQUEST – WEAVER MANUFACTURING, INC. (District I)

Motion -- carried

Knight moved that this Item be deferred. Motion carried 7 to 0.

WER RETIREMENT

RESOLUTION REGARDING LONG-TERM EMPLOYEES OF THE WICHITA EMPLOYEES' RETIREMENT SYSTEM.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 00-1071.

In 1995, the City Council adopted retirement ordinance revisions permitting the City to "Buy Out" (purchase) up to five-years of service for employees participating in the Wichita Employees' Retirement System (WER) whose positions were permanently eliminated through the budget development process. The ordinance established the circumstances and method of computing the cost of the Buy-Out.

In 1998, the WER Board of Trustees retained Ice, Miller, Donadio & Ryan (Ice Miller) to review the City's retirement ordinances for compliance with Internal Revenue Code requirements for Plan qualification. As a result of that review, Ice Miller notified the Board that the Buy-Out provisions were not in compliance with such requirements.

On June 6, 2000, the City Council reviewed the WER Board's recommended action to remove the Buy-Out provisions from the ordinance. The Board has indicated that it will continue to review options related to the Buy-Out which meet IRS requirements.

Following discussions of the WER Ad Hoc Committee and Board, a resolution was drafted and approved by the Board on October 18, 2000. The resolution recommends that in the event of a restructuring of local government resulting in permanent position reductions, members of WER with twenty-five or more years of service should be eligible to receive unreduced pensions beginning at fifty-five years of age.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 4

The Board recognizes that the costs and benefits of any future restructuring will be determined at the time such an event occurs. Similarly, the cost to the retirement system (of a program) allowing unreduced benefits at fifty-five years of age must also be determined at that time.

A resolution requesting the City Council's consideration of such long-term employees was drafted, rather than requesting an ordinance setting in place benefits for those employees.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the WER Resolution be received and filed. Motion carried 7 to 0.

EMP. RETIREMENT

WICHITA EMPLOYEES' RETIREMENT SYSTEM ORDINANCE REORGANIZATION.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 00-1072.

In 1998, the law firm of Ice, Miller, Donadio & Ryan (Ice Miller) was hired by the Wichita Employees' Retirement Board to review City ordinances for compliance with Internal Revenue Code requirements for pension plan qualification. During the preparation of materials necessary for submission to the Internal Revenue Service, it was determined that for ease of understanding and presentation of the respective ordinances, a revision, consisting of a reorganization of the existing ordinances would be appropriate.

Pension Management and Law Department staff began the task of reorganizing the ordinances governing the Wichita Employees' Retirement System (WER). Careful consideration was given in an effort to not alter existing retirement benefits or provide new benefits. Additions were made as recommended by Ice Miller to meet Internal Revenue Code requirements.

Following the completion of that task and review by Ice Miller, the revised ordinance was presented to the WER Board for its consideration. The Board took action at its regularly scheduled October 18, 2000 meeting to approve the revision and recommend adoption by the Wichita City Council.

There are no costs associated with this action.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, creating Sections 2.28.050 and 2.28.121; amending Sections 2.28.010, 2.28.020, 2.28.030, 2.28.040, 2.28.060, 2.28.070, 2.28.080, 2.28.090, 2.28.100, 2.28.110, 2.28.120, 2.28.130, 2.28.140, 2.28.150, 2.28.160, 2.28.170, 2.28.180, 2.28.190, 2.28.200, 2.28.210, 2.28.220, 2.28.230, 2.28.240, 2.28.250, 2.28.260, 2.28.270, 2.28.280, 2.28.290, 2.28.300, and repealing the originals of said Sections and repealing Sections 2.28.005, 2.28.085, 2.28.087, 2.28.135, 2.28.225, 2.28.245, 2.28.265, 2.28.310, 2.28.310, 2.28.330, 2.28.335, 2.28.340, 2.28.350, 2.28.360, 2.28.370, 2.28.380, 2.28.500, 2.28.510, 2.28.520, 2.28.530, 2.28.540, 2.28.550, 2.28.560, 2.28.570, 2.28.580, 2.28.585, 2.28.590, 2.28.600, 2.28.610; all pertaining to the Wichita Employee's Retirement System, introduced and under the rules laid over.

LIQUOR STORES

AMENDMENT OF ORDINANCE PROHIBITING LIQUOR STORES IN CERTAIN ZONING DISTRICTS.

Gary Rebenstorf

Director of Law reviewed the Ordinance.

Agenda Report No. 00-1073.

Section 4.04.020 of the City Code imposes certain restrictions on the sale of alcoholic liquor at retail. The current ordinance prohibits such sales from premises located in areas zoned higher than LC (light commercial zoning). Because of recent changes to the City's zoning code, LC is not a zoning designation currently in use.

The current zoning code uses different designation to describe the zoning district which most closely mirrors the old LC district. That designation is NR (neighborhood retail). It would be consistent with past practice and

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 5

appropriate to amend Section 4.04.020 in order to recognize the recent changes that have been made to the City's zoning district designations.

This amendment has no fiscal impact on the City.

The proposed Ordinance amendment recognizes recent zoning district changes in the City's Zoning Code.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 4.04.020 of the Code of the City of Wichita, Kansas, pertaining to alcoholic liquor and certain sales, etc. at retail prohibited and repealing the original of said Section, introduced and under the rules laid over.

CHARITABLE SOL.

CHARITABLE SOLICITATION ORDINANCE.

Gary Rebenstorf

Director of Law reviewed the Ordinance.

Agenda Report No. 00-1074.

Current city ordinance prohibits the solicitation of contributions from occupants of motor vehicles. The City Council reviewed the practice of some individuals and organizations collecting donations from motorists at street intersections. State law provides that this type of solicitation of contributions can be allowed if an organization first obtains a permit authorizing the activity from local authorities. The issue was referred to the DABs for citizen feedback. On October 24, 2000, the council received the recommendations of the DABs. The representatives of some local charities requested that the City's ordinance be amended and a permit process implemented to allow this type of solicitation.

An amendment is proposed to Section 11.44.050 of the City Code consistent with state law. The ordinance amendment establishes an exception to the prohibition against soliciting contributions by standing in the highway. The exception provides that such solicitation may be done by charitable organizations and only if a license has first been obtained from the city. The amendment further states that the guidelines for the issuance of such licenses shall be established and maintained by the City Manager.

The proposed guidelines for Charitable Solicitation Event licenses set forth in detail the information required on the application for the license. It is suggested that an organization be allowed 2 Events per calendar year and that the Events not exceed three days in duration. Further, the application shall identify the intersections at which the organization seeks to solicit, and the traffic engineer may identify from time to time those intersections where solicitation will be allowed. Finally, the license information shall be circulated to the police department for the purpose of notifying police personnel of an impending Event. The proposed guidelines also set forth rules governing the conduct of solicitors at Events. Solicitors must be 18 years of age or have a valid Kansas driver's license. Solicitors must wear safety vests, may solicit only in daylight hours, may only step off the curb when the traffic signal has turned red, and may approach a vehicle only if the occupant has given some sign of assent to being approached. Finally, the soliciting organization must identify itself by prominent signs that are visible to drivers. These suggested guidelines may be modified from time to time by the City Manager based upon need and experience.

A license fee may be established by the regulations to help cover the costs of processing applications.

The amendment to City Code authorizes a permitting procedure for charitable solicitation.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 11.44.050 of the Code of the City of Wichita, Kansas, pertaining to the prohibition against solicitation of rides, business or contributions on a roadway, and the exceptions thereto; and repealing the original of said Section, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 6

LICENSE REVOCATION REVOCATION OF BETTI LE BOOP ESCORT LICENSE. (District IV)

Gary Rebenstorf Director of Law reviewed the Ordinance.

Agenda Report No. 00-1075.

Betti Le Boop Escort Service operates as a business at 5860 S. Broadway. Due to the Escort Service conducting business within the corporate limits of the City of Wichita, the owner applied for and received an Escort Service License (#7897) on December 7, 1995. Since receiving the initial license, the business has renewed its license each year with the last renewal being approved on January 18, 2000. On March 24, 2000, annexation of property, including the 5800 block of South Broadway and other adjacent properties into the City of Wichita, was published in the city's official newspaper of record. On April 24, 2000, the 30-day appeal process associated with the annexation expired. No appeals to the annexation were filed, and the address of 5860 S. Broadway became part of the City of Wichita.

Prior to March 24, 2000, the Betti Le Boop Escort Service, 5860 South Broadway, was located in Sedgwick County and outside the city limits of the City of Wichita. The Escort Service is adjacent to and within 500 feet of the Christian Chapel Four Squares Church, 5828 South Broadway. Upon annexation into the City of Wichita, the Escort Service was deemed in violation of City Code, Section 3.07.130. In accordance with City Code, on August 29, 2000, the Chief of Police served the licensee with written notice that the escort license was being suspended for 30 days.

As of September 29, 2000, the licensee had not appealed the suspension. On October 25, 2000, the Chief of Police had the licensee served with a written notice stating the City Council was being requested to permanently revoke the license at the November 07, 2000, City Council Meeting.

City Code, Section 3.07.130, relating to the licensing of Escort Services reads: "No license shall be granted for an escort service which is located within five hundred feet of any church, public or parochial school, public park, or residential zoning district".

Mayor Knight Mayor Knight inquired if anyone representing Betti Le Boop wished to be heard and no one appeared.

Motion -- carried Knight moved that the City of Wichita Escort License #7897 be revoked. Motion carried 7 to 0.

ART & DESIGN BOARD ART AND DESIGN BOARD APPOINTMENTS.

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 00-1076.

On February 9, 1999, as part of the Wichita Cultural Plan, the City Council approved creation of a nine-member Art and Design Board to make recommendations on the incorporation of art and aesthetic design into public projects and to develop and define design criteria for public improvement projects. The Art and Design Board was formerly comprised of two (2) architects, two (2) landscape architects, two (2) engineers, one (1) artist, one (1) graphic designer, and one (1) representative at-large.

On October 24, 2000, the City Council approved first reading of an Ordinance expanding the Board from nine (9) to fifteen (15) members. The expansion consists of one (1) architect, one (1) landscape architect, one (1) engineer, one (1) artist, and two (2) representatives at-large.

Previously, seven of the nine members were appointed by the Mayor (with Council approval) and two members were appointed by the City Manager. On October 24, 2000, the City Council approved increasing the Mayor's appointments by four members and the Manager's appointments by two members.

Nominations for the Design Council were solicited. The City Council is requested to select one (1) architect, one (1) artist, and two (2) at-large representatives and approve the appointments to the Art and Design Board. In the event one of the nominees is unable to serve, it is requested the City Council authorize the City Manager to appoint a replacement.

Adoption of the Ordinance completes required legal action and the Council make the appointments.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 7

Motion --

Knight moved that the Ordinance be adopted on its second reading; appointed Larry Reynolds – Architect; Kurt Skinner – Landscape Architect; Ron Christ – Artist; and Barry George – Engineer and the appointments be approved. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 44-810

An Ordinance amending Section 2.12.1120 of the Code of the City of Wichita, Kansas, pertaining to Art and Design Board, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

CONSOLIDATED PLAN HUD CONSOLIDATED PLAN PROCESS.

Tom Smith

Grants In-Aid Coordinator reviewed the Item.

Agenda Report No. 00-1115.

In 1995, the Department of Housing and Urban Development (HUD) issued new regulations regarding the planning and application process for three grant programs. In 1995, HUD began to require local governments to submit Consolidated Plans and combined applications for the Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); and Home Investment Partnership Grant (HOME) programs. As part of the requirements, local units of government also were required to develop five-year Strategic Plans (2000-2004) with priority needs established. In addition, One-Year Action Plans, outlining specific activities and grant funding sources for the fiscal year, were also part of the HUD requirements. It is now time to develop the annual plan submittal required for 2001-2002.

Preparation for the 2001-2002 program year is based on 2000-2001 City Council action and action by the Council on October 26, 1999 regarding the 2000-2004 Priority Needs. The City Council is requested to consider designating and reserving special funding and allocations.

Funding Reservations and Designated Funding - For the past few years, the City Council has revised its procedure to ensure special programs (priorities) would be addressed on an outcome basis. Through a Request for Proposal (RFP) process, those programs felt to be high priority (and traditionally funded from grant sources) were developed based on a required "scope of services" where performance could be monitored and evaluated. In the past, such programs included Youth Employment, Women/Family Crisis Shelters, and Youth Recreation/Enrichment Programs (Public Services). To meet previously established goals, it is recommended that the City Council continue those programs in the 2001-2002 allocations.

In addition to the (above) designated programs, the following allocations are being proposed:

1. Streets/Sidewalks (Neighborhood Improvement Program and Handicap Improvements)
2. Neighborhood Centers/Community Facilities
3. Neighborhood Improvement Services & Grants Programs
4. Neighborhood Stabilization
5. Community Education Program
6. Neighborhood Assistance-District Advisory Boards
7. Colvin/ Planeview Health Stations
8. Historic Preservation/Mandated Activities
9. Consolidated Plan Program Grant Administration (Direct and Indirect costs)

The City Council needs to determine if these programs - traditionally funded - should be designated and funding reserved and if there are other special programs desired by the City Council that should be reserved, such as additional neighborhood revitalization and improvement projects.

Suggested designated allocations continue City Council priorities established for neighborhood programs and neighborhood revitalization such as the paint grant program, exterior repair, neighborhood clean up, community education and neighborhood assistance (DAB).

It is anticipated that the CDBG funding will remain stable for next fiscal year based on 2001 Congressional appropriations. Congress has appropriated \$6.3 million in Consolidated Grant funding for allocation in the 2001-2002 program year. This total is comprised of approximately \$3.9 million in CDBG; \$2.3 million in HOME; and \$134,000 for Emergency Shelter Grants.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded. These are listed for each Grant as follows:

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 8

CDBG	\$1,163,000 Public Services 20% Planning and Administration
HOME	15% Neighborhood-Based Non Profits (Minimum required allocation for CHDO's)
ESG	30% Essential Services 30% Homeless Prevention 5% Administration

Allocation of Consolidated Grant funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low income persons, or addressing conditions of slums or blight.

The process by which grant funds are authorized by the City Council is a matter of local determination. That is, the City Council is not obligated to solicit funding applications unless it desires to do so. The City Council may also reserve grant funds for community priority needs and programs, as determined by the City Council.

Council Member Pisciotte Council Member Pisciotte said he understood the current policy stipulates organizations that provide services within a 30-day emergency shelter provision. In terms of a policy change, there are organizations in the community that are beginning to provide services beyond those 30-days.

Council Member Pisciotte inquired whether the City needs to consider a policy change that would place all of those services into this category.

Tom Smith Grants In-aid Coordinator responded that, if it were the desire of the Council, the suggestion would be that the policy change be explicit in terms of the types of services sought. Those are issued under a competitive proposal. The RFP could be issued for both emergency shelter services and transitional housing services for victims of domestic violence. The expanded RFP would increase the competition for the available funding.

Transitional housing was a high priority listed in the Homeless Plan the City Council recently reviewed. In the Homeless Plan the Council reviewed, there are gaps in emergency shelter and transitional housing. There are not enough public resources to satisfy the demands.

Council Member Pisciotte Council Member Pisciotte said there may be need for a policy change as it was his understanding there is a developing need for this service among victims of domestic violence.

Council Member Pisciotte suggested the City proceed with the provisions recommended today and, during the next year, the City look at exactly what is happening in this specific area with regard to domestic violence. There are some alternate sources of funding for these specific types of services and, within the year, this particular issue should be addressed. There should be some sort of recommended policy change for next year.

Council Member Rogers Council Member Rogers said the Council might want to prioritize a couple of these areas. Council Member Rogers said he had also been receiving a lot of calls on the domestic violence aspect, and wondered if there were any data indicating that the services provided to domestic violence victims on agenda break-down. The indication is, from the people that have been calling, that these services are not provided to males in the manner that they think they ought to be. If there is any additional information, it would help the Council in making related decisions.

Council Member Pisciotte Council Member Pisciotte would like the Council to work with Tom Smith, Grants In-Aid Coordinator in evaluating the current policy with regard to the specific area of domestic violence – and have recommended policy prepared for next year.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that the City Council approve establishment of priorities for allocations and reservation and dedicated program funding as recommended, and the process for development of its 2001-2002 Consolidated Plan -- carried Motion carried 7 to 0.

(The following time-certain Item was taken up later in the meeting; action is shown in Agenda order)

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 9

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE – 818 NORTH SANTA FE. (District VI)

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 00-1077.

On September 19, 2000, a report was submitted with respect to the dangerous and unsafe conditions of the building located on this property. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 11:00 a.m. on November 7, 2000.

On September 6, 2000, the Board of Code Standards and Appeals (BCSA) held hearings on the following property:

<u>Property Address</u>	<u>Council District</u>
818 North Santa Fe	VI

Pursuant to State Statute the Resolution was duly published twice on September 22, 2000 and September 29, 2000. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of described property.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Cole moved that the public hearing be closed, the resolution declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official City paper and advise the owners of these findings. Motion carried 4 to 0. Gale, Martz, Pisciotte; absent.

-- carried

RESOLUTION NO. R-00-389

A Resolution finding that the structure located on Lots 18 and 20, on Mead Avenue in Supplemental Plat to Jones First Addition to Wichita, Sedgwick County, Kansas, commonly known as 818 North Santa Fe, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Cole moved that the Resolution be adopted. Motion carried 4 to 0. Yeas: Cole, Lambke, Rogers; Knight. Gale, Martz, Pisciotte; absent.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

-- carried

Pisciotte appointed John Fuller to District Advisory Board II and moved that the appointment be approved. Motion carried 7 to 0.

PROCLAMATIONS

PROCLAMATIONS:

Community Education Day
Wichita Blues Society Month
American Education Week

Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 10

CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 33, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 6, 2000.

Bids were opened October 27, 2000, and November 3, 2000, pursuant to advertisements published on:

2000 Sanitary Sewer Rehab Phase D south of 13TH Street, east of the Arkansas River. (468-83173/620295/660420) Traffic to be maintained during construction using flagpersons and barricades. (Districts II & VI)

WB Carter Construction - \$110,831.00

Paving Spyglass from the south line of 45th Street North, south to the north line of 44th Street North; 44th Street North from the west line of Spyglass, east to the west line of Ironwood; 44th Street North Court from the west line of Spyglass, west to and including the cul-de-sac; Ironwood from the south line of 45th Street North, south to the south line of 44th Street North, and; Ironwood Circle from the south line of 44th Street North, south to and including the cul-de-sac to serve Willow Place Addition - south of 45th St. No., east of Rock Road. (472-83267/765655/490766) Does not affect existing traffic. (District II)

Ritchie Paving - \$160,956.00

Paving Hoover Court from the west line of Hoover Avenue, west to and including the cul-de-sac Airport Industrial Park - north of May, west of Hoover. (472-83244/765643/490754) Does not affect existing traffic. (District V)

Ritchie Paving - \$93,272.50

Paving Lewis Street, from the east line of Greenwich Road, east to the east line of the plat Schofield-Hatchett Fourth Addition - north of Kellogg, east of Greenwich. (472-81275/765604/490715) Does not affect existing traffic. (District II)

Central Paving - \$99,065.89

Paving Hickory from the west line of Azure Circle, west to the west line of the plat; Birch from the west line of Lot 8, Block C, west to the west line of Firefly; Firefly from the south line of Birch, north to the south line of Hickory; Firefly Circle from the north line of Hickory, north to and including the cul-de-sac, and; Sidewalk along the north and south side of Hickory, and along the south side of Birch, and along the West side of Firefly Buckhead Third Addition - north of Central, west of 119th Street West. (472-82947/765650/490761) Does not affect existing traffic. (District V)

Ritchie Paving - \$150,182.25

Paving Killenwood from the east line of Greenwich to the west line of Reserve Killenwood Pointe Addition - south of 13th St. North, east of Greenwich. (472-83257/765652/490763) Does not affect existing traffic; AND Killenwood Court from the north line of Killenwood to and including the cul-de-sac Killenwood Pointe Addition - south of 13th St. North, east of Greenwich. (472-83268/765653/490764) Does not affect existing traffic (District II)

Central Paving - \$123,326.87 (Aggregate bid total)

2000 Sanitary Sewer Rehab. Program Phase D N/A - east of Drainage Canal, south of 21st Street North. (468-83175/620296/660421) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II & IV)

Insituform Technologies, Inc. - \$123,456.00

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 11

Kansas Firefighter's Museum Enhancements - on Broadway, south of Bayley. (87 TE-0157-01/472-83258 /792332/435303) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Baker Construction - \$38,450.00

2000 contract maintenance area concrete reconstruction Phase 2 - north of Central, east of Seneca. (00_132373_2/132373/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I & VI)

McFadden Construction - \$273,000.00 (Engineer's estimate)

2000 contract maintenance asphalt thermal crack repair - (00_132373 _1 /132373) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Ferguson Paving - \$117,000.00 (Engineer's estimate)

2000 Planeview Sewer Reconstruction Phase 2 - south of Pawnee, east of Hillside. (468-83176 /622229/640337) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$67,266.00

Lateral 64, Main 9, Sanitary Sewer No. 23 to serve Comotara Industrial Park Fourth Addition - south of 37th Street North, west of Webb. (468-83053 /743852/480540) Does not affect existing traffic. (District II)

Nowak Construction - \$27,042.52

Lateral 448, Southwest Interceptor Sewer to serve Hoskinson Second Addition - south of 37th Street North, west of Ridge. (468-83090/743857/480545) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Nowak Construction - \$133,600.44

Lateral 459, Southwest Interceptor Sewer to serve Cessna Addition - south of K-42 Highway, east of Ridge Road. (468-83128/743855/480543) Does not affect existing traffic. (District V)

Utility Contractors - \$111,925.00

Water distribution system to serve Cessna Addition and Caldwell Equipment Addition - south of K-42 Highway, east of Ridge Road. (448-89487/448-89054 /734985/734989/470655) Does not affect existing traffic. (District V)

Nowak Construction - \$165,365.32

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replacement of Siding, Guttering, Fencing, and Miscellaneous Repairs. (097804)

Williamson Construction Inc. - \$10,673.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Driveway, Sidewalk, Approach Replacement and New Sidewalk Installation at Various Residential Sites. (097804)

McFadden Construction Co. Inc. - \$40,960.00 (Total Group 1)

Bryant & Bryant Construction Co., Inc. - \$56,864.27 (Total Group 2)
\$73,206.27 (Total Group 3)

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 12

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Spandrel Panel/Window Painting, Washing, Re-screening and Door Replacement at Greenway Manor. (097804)

Gordon Construction Co. - \$49,224.00 (Total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replacement of Domestic hot and Cold Water Isolation Valves in 90 Apartments at McLean Manor. (097804)

Williamson Construction Inc. - \$15,696.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Sign Faces. (132217)

National Sign Company - \$11,841.25 (Group I/total net bid)
\$ 399.00 (Group II/total net bid)

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Painting Traffic Signal Equipment: 41 Poles and 25 Mask Arms. (132217)

Aaron & Page Painting Inc. - \$9,500.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterwork Supplies. (181222)

Wichita Winwater Works - \$6,068.00* (Group I/total net bid)
*Corrected total/Net 30

Hajoca Corporation - \$15,063.08** (Group II/total net bid)
\$ 4,843.00** (Group III/total net bid)
\$ 6,132.00** (Group IV/total net bid)

**2% 10, Net 30

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Cement Mix For Manhole Rehabilitation. (620096)

The Strong Company, Inc. - \$14,586.00 (Total net bid)

FIRE DEPARTMENT/VEHICLE & BUILDING MAINTENANCE DIVISION: Fire Fighter Protective Clothing. (070136)

Danko Emergency Equipment Company - \$68,968.20 (Total group 1)
\$13,462.40 (Total group 2)

Mid-America Fire Apparatus & Equipment - \$4,311.00 (Total group 3)

Weis Fire & Safety - \$1,950.00 (Total group 4)

Danko Emergency Equipment Company - \$1,535.00 (Total group 5)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Hot and Cold Mix Asphalt. (132225)

Kansas Paving - \$38.75 (Group I/cost per ton)

APAC-Kansas - \$37.00 (Group II/Proposal 1: cost per ton)
\$43.00 (Group II/Proposal 2: cost per ton)
\$43.00 (Group II/Proposal 3: cost per ton)

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 13

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Preformed Pliant Polymer Pavement Marking Tape. (037200)

3M - \$.57 (Item 1/per foot)
\$.57 (Item 2/per foot)
\$ 1.71 (Item 3/per foot)
\$ 2.28 (Item 4/per foot)
\$ 3.42 (Item 5/per foot)
\$31.00 (Item 6/per each)
\$47.00 (Item 7/per each)
\$47.00 (Item 8/per each)
\$41.00 (Item 9/per each)
\$80.00 (Item 10/per package)
\$18.00 (Item 11/per gallon)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Welding and Industrial Gases. (183632)

Wichita Welding Supply, Inc. - \$ 3.59 (Item 1/cost per 100 cubic feet)
\$29.50 (Item 2/rental cylinder cost per month)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: 24" Rip-Rap. (133116)

Walker Stone Co. Inc. - \$59,013.76 (Total net bid/Option to purchase additional 2,800 tons at same unit cost within 60 days of purchase order)

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Ginkgo Trees. (791681)

T.H. Belcher Nursery - \$33,862.50 (Lump sum total)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS/SERVICES.

Renewal - Adult Entertainment:

Ronald H. Groves	Party Store	9601 East Kellogg
Norman Massey Jr.	Circle Cinema	2570 South Seneca

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Hanh V. Bui	Saigon Oriental Restaurant, Inc.*	1103 North Broadway
Latif Abdelmaseh	Abram Café*	6249 East 21st Street
		<u>(Consumption off Premises)</u>
W. Kent Laughman	Falley's Inc., dba Food For Less #18	6727 West Central
W. Kent Laughman	Falley's Inc., dba Food For Less #23	2141 South Meridian
W. Kent Laughman	Falley's Inc., dba Food For Less #25	2021 North Amidon
W. Kent Laughman	Falley's Inc., dba Food For Less #37	3020 East Douglas
W. Kent Laughman	Falley's Inc., dba Food For Less #38	640 North West Street
W. Kent Laughman	Falley's Inc., dba Food For Less #40	1212 South Woodlawn
W. Kent Laughman	Falley's Inc., dba Food For Less #41	2445 South Seneca
Robert J. Bales	Klepper Marketing	565 North Market

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 14

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

- a) (Amended) Maple, Maize Road to 119th Street West. (472-83092/706772/208233). Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$750,000.00- GO, \$2,250,000.00- Federal. Total Estimated Cost- \$3,000,000.00
- b) (Amended) Eastern Bridge at Gypsum Creek, Construction. (472-83067/715673/248081). Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$130,000.00- GO, \$450,000.00- Federal. Total Estimated Cost \$580,000.00
- c) Lateral 139, Main 4, Sanitary Sewer #23 to serve Unplatted Tract - north of 35th Street North, west of Broadway. (468-83061/743826/480514) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$6,780.00
- d) Water main replacement in 31st Street South from Everett to Elizabeth and Glenn from 31st Street South to 27th Street South - 31st Street South between Seneca and Meridian. (448-89443/635620/769680) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$486,429.50
- e) Public parking lot improvements at the southeast corner of First Street and Washington - north of Douglas, east of Washington. (472-83209/706786/132242/405241) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$89,601.35
- f) 2000 sanitary sewer rehab Phase D - south of 13th Street, east of the Arkansas River. (468-83173 /620296/660420) Traffic to be maintained during construction using flagpersons and barricades. (Districts II and VI) - \$146,000.00
- g) Spyglass from the south line of 45th Street North, south to the north line of 44th Street North; 44th Street North from the west line of Spyglass, east to the west line of Ironwood; 44th Street North Court from the west line of Spyglass, west to and including the cul-de-sac; Ironwood from the south line of 45th Street North, south to the south line of 44th Street North, and; Ironwood Circle from the south line of 44th Street North, south to and including the cul-de-sac to serve Willow Place Addition - south of 45th Street North, east of Rock Road. (472-83267/765655/490766) Does not affect existing traffic. (District II) - \$214,000.00
- h) Hoover Court from the west line of Hoover Avenue, west to and including the cul-de-sac, Airport Industrial Park - north of May, west of Hoover. (472-83244/765643/490754) Does not affect existing traffic. (District V) - \$128,000.00
- i) Lewis Street, from the east line of Greenwich Road, east to the east line of the plat, Schofield-Hatchett Fourth Addition - north of Kellogg, east of Greenwich. (472-81275/765604/490715) Does not affect existing traffic. (District II) - \$206,000.00
- j) Hickory from the west line of Azure Circle, west to the west line of the plat; Birch from the west line of Lot 8, Block C, west to the west line of Firefly; Firefly from the south line of Birch, north to the south line of Hickory; Firefly Circle from the north line of Hickory, north to and including the cul-de-sac, and; sidewalk along the north and south side of Hickory, and along the south side of Birch, and along the West side of Firefly, Buckhead Third Addition - north of Central, west of 119th Street West. (472-82947 /765650/490761) Does not affect existing traffic. (District V) - \$235,000.00
- k) Killenwood from the east line of Greenwich to the west line of Reserve B, Killenwood Pointe Addition - south of 13th Street North, east of Greenwich. (472-83257/765652/490763) Does not affect existing traffic. (District II) - \$91,110.00
- l) Killenwood Court from the north line of Killenwood to and including the cul-de-sac, Killenwood Pointe Addition - south of 13th Street North, east of Greenwich. 472-83268/765653/490764) Does not affect existing traffic. (District II) - \$82,000.00
- m) 2000 Sanitary Sewer Rehab. Program Phase D N/A - east of Drainage Canal, south of 21st Street North. (468-83175/620296/660421) Traffic to be maintained during construction using flagpersons and barricades. (District I, II & IV) - \$186,325.00

Motion -- carried

Knight moved that Preliminary Estimates be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 15

DEEDS/EASEMENTS

DEEDS AND EASEMENTS:

- a) Easement dated October 4, 2000 from Navigator Holdings, LLC for tracts of land in Lot 4 and Lot 16, Block 6, Angel Acres, an Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- b) Drainage Easement dated September 18, 2000 from American Signs, LLC, a Kansas Limited Liability Company for tracts of land in Lot 8 and Lot 9, Block 2, Airport Industrial Park, Wichita, Sedgwick County, Kansas (OCA # 765643). No cost to City.
- c) Sanitary Sewer Easement dated October 16, 2000 from Navigator Holdings, LLC for a tract of land in Lot 19, Block 6, Angel Acres, an Addition to Wichita, Sedgwick County, Kansas (Lat 457, SWI 468-83120, OCA # 743845). No cost to City.
- d) Sanitary Sewer Easement dated October 16, 2000 from Navigator Holdings, LLC for a tract of land in Lot 20, Block 6, Angel Acres, an Addition to Wichita, Sedgwick County, Kansas (Lat 457, SWI 468-83120, OCA # 743845). No cost to City.
- e) Public Utility Easement dated October 18, 2000 from James H. Fleagle for a tract of land in Lot 5, Block 4, Shadybrook Farm Addition, Sedgwick County, Kansas (Traffic Engineering, OCA # 132001). No cost to City.
- f) Sanitary Sewer Easement dated May 8th, 2000, from the Board of Park Commissioners for a tract of land in Reserve Addition to Wichita, Sedgwick County, Kansas (War Industries Phase III Relief Sewer, OCA # 623306) (No cost to City).
- g) Temporary Easement dated May 8th, 2000, from the Board of Park Commissioners for a tract of land in Reserve Addition to Wichita, Sedgwick County, Kansas (War Industries Phase III Relief Sewer, OCA # 623306) (No cost to City).
- h) Temporary Easement dated May 8th, 2000, from the Board of Park Commissioners for a tract of land in Reserve Addition to Wichita, Sedgwick County, Kansas (War Industries Phase III Relief Sewer, OCA # 623306) (No cost to City).
- i) Temporary Easement dated May 8th, 2000, from the Board of Park Commissioners for a tract of land in the SE 1/4 Sec. 36, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (War Industries Phase III Relief Sewer, OCA # 623306) (No cost to City).
- j) Temporary Easement dated May 8th, 2000, from the Board of Park Commissioners for a tract of land in the SE 1/4 Sec. 36, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas (War Industries Phase III Relief Sewer, OCA # 623306) (No cost to City).

Motion -- carried

Knight moved that documents be received and filed. Motion carried 7 to 0.

STATEMENTS OF COST STATEMENTS OF COST:

- a) Improving Broadway from Douglas to Central. Total Cost - \$1,894,646.72 (plus idle fund interest - \$11,153.28; less financing previously issued - \$1,890,000.00). Financing to be issued at this time - \$15,800.00. (706481/472-82181/405-202).
- b) Improving Broadway (John Mack Bridge) over the Arkansas River. Total Cost - \$1,379,864.94 (plus idle fund interest - \$44,853.98; less financing previously issued - \$1,303,316.22). Financing to be issued at this time - \$149,000.00. (715250/472-82375/415-039).
- c) Improving West Street from Maple to 13th Street North (north of Zoo Boulevard- Right-of-Way). Total Cost - \$10,949.91 (plus idle fund interest - \$509.09; less financing previously issued - \$3,000.00). Financing to be issued at this time - \$1,000.00. (705905/472-82858/405-144).
- d) Improving 1999 Park CIP- Various Sidewalks and Paths. Total Cost - \$39,999.45 (plus temporary note interests - \$509.46; plus idle fund interest - \$1,191.09; less financing previously issued - \$25,000.00). Financing to be issued at this time - \$16,700.00. (785931/472-82976/399-125).

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 16

e) Improving Greenbriar/Rock Road Signal. Total Cost - \$41,186.13 (plus temporary note interests - \$1,016.16; plus idle fund interest - \$597.71; less financing previously issued - \$0.00). Financing to be issued at this time - \$42,800.00. (710213/472-83127/239-075).

f) Improving 1999 Park CIP – Various Bikeway Systems. Total Cost - \$50,000.00 (plus temporary note interests - \$822.52; plus idle fund interest - \$177.48; less financing previously issued - \$45,000.00). Financing to be issued at this time - \$6,000.00. (785857/472-82968/399-117).

PARTIAL STATEMENTS OF COST

a) (First Partial) Estimate of Cost for improving Seneca from 31st Street South to Pawnee. - \$1,050,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$1,050,000.00. (706778/472-83084/200-236).

b) (First Partial) Estimate of Cost for improving Pawnee from Oak Knoll to Webb Road - \$550,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$550,000.00. (706782/472-83087/200-239).

c) (First Partial) Estimate of Cost for improving Webb Road from Pawnee to Harry - \$500,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$500,000.00. (706783-472-83093/200-240).

d) (Second Partial) Estimate of Cost for improving 9th and Tyler Road Intersection- \$390,000.00; less financing previously issued - \$15,000.00. Financing to be issued at this time - \$375,000.00. (706790/472-83169/200-244).

e) (First Partial) Estimate of Cost for improving Museum District Boulevard - \$45,000.00; less financing to be issued at this time - \$0. Financing to be issued at this time - \$45,000.00. (706795/472-82338/200-248).

f) (First Partial) Estimate of Cost for improving 2000 Intersection Program, 21st Street North and Arkansas - \$10,000.00; less financing to be issued at this time - \$0. Financing to be issued at this time - \$10,000.00. (706799/472-83184/200-249).

g) (First Partial) Estimate of Cost for improving West Douglas Streetscapes - \$25,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$25,000.00. (706788/472-83164/200-266).

h) (Second Partial) Estimate of Cost for improving Central from Maize Road to Tyler Road - \$110,000.00; less financing previously issued - \$95,000.00. Financing to be issued at this time - \$15,000.00. (706793/472-83163/200-267).

i) (First Partial) Estimate of Cost for improving Mid-Town Two Way Streets (Design) - \$40,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$40,000.00. (706796/472-83204).

j) (First Partial) Estimate of Cost for improving Two Way Main (Design) - \$30,000.00; less financing to be previously issued - \$0. Financing to be issued at this time - \$30,000.00. (706797/472-83203/200-269).

k) (First Partial) Estimate of Cost for improving 2000/2001 Sidewalk and Wheelchair Ramp Program – \$500,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$500,000.00. (706806/472-83270/200-280).

l) (Sixth Partial) Estimate of Cost for improving Broadway from Kellogg to William - \$626,000.00; less financing previously issued - \$488,000.00. Financing to be issued at this time - \$120,000.00. (705863/472-82412/405-140).

m) (Third Partial) Estimate of Cost for improving 29th Street North from Amidon to Arkansas – \$1,820,000.00; less financing previously issued - \$1,800,000.00. Financing to be issued at this time - \$20,000.00. (706580/472-82805/405-212).

n) (Fourth Partial) Estimate of Cost for improving Maple/Lewis Street Bridge (Construction) – \$4,850,000.00; less financing previously issued - \$4,800,000.00. Financing to be issued at this time - \$50,000.00. (715433/472-82720/415-057).

o) (Fourth Partial) Estimate of Cost for improving Central from West to McLean - \$1,125,000.00; less financing previously issued - \$1,050,000.00. Financing to be issued at this time - \$75,000.00. (706689/472-82906/208-222).

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 17

- p) (Third Partial) Estimate of Cost for improving Seneca from Douglas to McLean - \$110,000.00; less financing previously issued - \$75,000.00. Financing to be issued at this time - \$35,000.00. (706747/472-82966/208-228).
- q) (Third Partial) Estimate of Cost for improving Central from I-235 to West Street - \$750,000.00; less financing previously issued - \$600,000.00. Financing to be issued at this time - \$150,000.00. (706762/472-83014/208-230).
- r) (Third Partial) Estimate of Cost for improving 13th Street North, east of Rock Road - \$930,000.00; less financing previously issued - \$850,000.00. Financing to be issued at this time - \$80,000.00. (706770/472-83028/208-231).
- s) (Third Partial) Estimate of Cost for improving Maple from Maize Road to 135th Street West - \$195,000.00; less financing previously issued - \$145,000.00. Financing to be issued at this time - \$50,000.00. (706986/472-83053/208-251).
- t) (Third Partial) Estimate of Cost for improving Harry from Webb Road to Greenwich Road - \$460,000.00; less financing previously issued - \$380,000.00. Financing to be issued at this time - \$80,000.00. (706771/472-83091/209-232).
- u) (Second Partial) Estimate of Cost for improving Maple from Maize Road to 119th Street West - \$650,000.00; less financing previously issued - \$250,000.00. Financing to be issued at this time - \$400,000.00. (706772/472-83092/209-233).
- v) (Second Partial) Estimate of Cost for improving Northwest Bridge Study - \$100,000.00; less financing previously issued - \$50,000.00. Financing to be issued at this time - \$50,000.00. (715682/N.A./240-098).
- w) (Second Partial) Estimate of Cost for improving Murdock Bridge at Drainage Canal - \$600,000.00; less financing previously issued - \$500,000.00. Financing to be issued at this time - \$100,000.00. (715675/472-82784/249-083).
- x) (Second Partial) Estimate of Cost for improving 119th Street West Bridge at Calfskin Creek - \$1,140,000.00; less financing previously issued - \$1,000,000.00. Financing to be issued at this time - \$140,000.00. (715676/472-82746/249-084).
- y) (First Partial) Estimate of Cost for improving Arkansas River Bikepath from Central to 13th Street North - \$30,000.00; less financing previously issued - \$20,000.00. Financing to be issued at this time - \$10,000.00. (785004/N.A./390-136).
- z) (First Partial) Estimate of Cost for improving Zoo Boulevard Bikepath from Central to Westdale - \$35,000.00; less financing previously issued - \$25,000.00. Financing to be issued at this time - \$10,000.00. (785005/N.A./390-137).
- aa) (First Partial) Estimate of Cost for improving Sports Court Repair - Park 2000 CIP - \$75,000.00; less financing previously issued - \$70,000.00. Financing to be issued at this time - \$5,000.00. (785006/N.A./390-138).
- bb) (First Partial) Estimate of Cost for improving Land Acquisition/New Park Development - Park 2000 CIP - \$30,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$30,000.00. (785009/N.A./390-141).
- cc) (First Partial) Estimate of Cost for improving Pedestrian Bridge at Zoo Boulevard and Big Ditch - \$55,000.00; less financing previously issued - \$20,000.00. Financing to be issued at this time - \$35,000.00. (785010/N.A./390-142).
- dd) (First Partial) Estimate of Cost for improving Sidewalk Paths - 2000 Park CIP - \$40,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$40,000.00. (785011/N.A./390-143).
- ee) (First Partial) Estimate of Cost for improving Pedestrian Bridge on Third Street North between I-135 to Hillside - \$30,000.00; less financing previously issued - \$20,000.00. Financing to be issued at this time - \$10,000.00. (785012/N.A./390-144).
- ff) (First Partial) Estimate of Cost for improving Park Athletic Court Improvement Program - \$50,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$50,000.00. (785015/472-83240/391-147).

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 18

gg) (Second Partial) Estimate of Cost for improving Cessna Park Improvements - \$100,000.00; less financing previously issued - \$75,000.00. Financing to be issued at this time - \$25,000.00. (785865/472-82969/399-118).

hh) (First Partial) Estimate of Cost for improving 1999 Court Improvements - \$100,000.00; less financing previously issued - \$90,000.00. Financing to be issued at this time - \$10,000.00. (785873/472-82970/399-119).

ii) (First Partial) Estimate of Cost for improving 1999 Park CIP – Harrison Park Parking Lot Improvements - \$55,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$55,000.00. (785881/472-82971/399-120).

jj) (Second Partial) Estimate of Cost for improving Northeast Baseball/Soccer Complex Parking Lot- \$378,000.00; less financing previously issued - \$300,000.00. Financing to be issued at this time - \$78,000.00. (785000/472-83139/399-131).

Motion -- carried

Knight moved that the statements of cost be approved and filed. Motion carried 7 to 0.

WATER SYSTEM

PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE PART OF BUCKHEAD THIRD ADDITION – NORTH OF CENTRAL, WEST OF 119TH STREET WEST. (District V)

Agenda Report No. 00-1078.

On June 16, 1998, the City Council approved a Petition for a Water Distribution System to serve Buckhead 3rd Addition. A portion of the cost was to be paid by the Water Utility for oversizing the line to serve future development beyond the improvement district. It has now been determined that the oversizing is not needed. The developer has submitted a new Petition that eliminates the Water Utility funding. The signature on the new Petition represents 100% of the improvement district.

An Amended Resolution has been prepared that corresponds to the new Petition.

The Petition totals \$72,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-00-390

A Resolution amending Resolution No. R-98-251 pertaining to the construction of Water Distribution System Number 448-89280 (north of Central, west of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners	09/11/2000
Metropolitan Area Planning Commission	10/05/2000
Police & Fire Retirement System	09/27/2000
Wichita Employees' Retirement System	09/20/2000
Wichita Employees' Retirement System	09/29/2000
Wichita Public Library	10/17/2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

QUARTERLY REPORT

QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED SEPTEMBER 30, 2000.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 19

WEAPONS

WEAPONS DESTRUCTION.

Agenda Report 00-1089.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. The list of weapons includes a total of 171 handguns and 60 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

CLAIMS

REPORT ON CLAIMS ALLOWED – SEPTEMBER, 2000:

<u>Name of Claimant</u>	<u>Amount</u>
Travis Radford	\$321.94
Martha Tucker	\$235.85
SW Bell	\$371.30
Dhanesh N. Shah	\$189.39
Carolyn L. Lynch	\$226.33
Joe Aston	\$746.75
Patrick O'Shaughnessy	\$348.83*
KGS	\$664.59
Giavanna Thompson	\$326.87
Andrew P. Miller	\$150.00
Wesley Medical Center/Richard Eugene Williams	\$87.00

* Settled for lesser amount than originally claimed

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

RESPREAD SPECIALS

AGREEMENT TO RESPREAD ASSESSMENTS, MAPLE DUNES ADDITION – NORTH OF MAPLE, WEST OF 135TH STREET WEST. (District V)

Agenda Report No. 00-1079.

The developer of Maple Dunes Addition, R.C.K. Construction, Inc., has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in an improvement district for a paving project. The purpose of the Agreement is to respread special assessments on an equal share basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis. The agreement will equalize the assessments for each lot, making it easier for the developer to market the lots.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TRAFFIC STUDY

SUPPLEMENTAL AGREEMENT FOR NORTHWEST WICHITA TRAFFIC CONGESTION RELIEF STUDY. (Districts V and VI)

Agenda Report No. 00-1080.

On January 4, 2000, the City Council entered into an Agreement with Parsons Brinckerhoff Quade & Douglas, Inc. (PBQD) for updating the Northwest Wichita Traffic Congestion Relief Study. The fee was \$119,316.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 20

PBQD has been asked to evaluate additional build alternative to relieve congestion identified as closing Westdale Drive at I-235 ramps/Zoo Boulevard intersection, attend additional public meetings and prepare perspective rendering of proposal 13th Street Bridge alternative. A Supplemental Agreement has been prepared.

Payment to PBQD for the Supplemental Agreement will increase the total Contract by \$7,825 from \$119,316 to \$127,141. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STAKING SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION STAKING SERVICES, BALTHROP ADDITION – NORTH OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 00-1081.

The City Council approved the project on December 22, 1998. On October 3, 2000, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide staking services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for staking services for the improvements in Balthrop Addition. Due to the current workload created by previous projects, City crews are not available to perform staking for this project.

Payment will be on a lump sum basis of \$9,800, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

USGS SURFACE WATER **USGS SURFACE WATER AGREEMENT.**

Agenda Report No. 00-1082.

In 1957, as a condition of Federal assistance in construction of the Wichita-Valley Center Flood Control Project, the City of Wichita entered into a cooperative Agreement with the United States Geological Survey (U.S.G.S.) to install and maintain stream recorders along the project. Rainfall recorders were added later for the City's own use.

In 1965, the Water Department added stream-gauging stations at Cheney Reservoir.

The Department of Public Works uses recorders to monitor rainfall through the drainage basins affecting the project to determine volumes of incoming water. This collected data is transmitted to the weather bureau, which transmits the data to the River Forecast Center in Tulsa, Oklahoma. The data is statistically analyzed and published by U.S.G.S.

The Water Department monitors the flow of water into and out of Cheney Reservoir and relays the elevation of the lake to the Corps of Engineers.

The Agreement requires the City to pay \$29,070 of the \$48,500 total program cost, with U.S.G.S. responsible for the balance of \$19,430. Budget for the City's cost is split between the Water Utility (\$14,055) and City-County Flood Control (\$15,015). In addition, the City provides office space for the United States Geological Survey, WRD, Kansas District for which it charges annual rent of \$14,000. This amount is paid by Flood Control to the City's Property Management Operations Fund to offset a portion of the \$15,015 program costs. The balance of \$1,015 is paid directly to U.S.G.S.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SETTLEMENT

SETTLEMENT AND RELEASE AGREEMENTS – GILBERT AND MOSLEY PROJECT.

Agenda Report No. 00-1083.

On October 7, 1998, the City of Wichita filed a lawsuit against twenty-six parties in City of Wichita v. Aero Holdings, et al., No. 98-1360-MLB. The City alleged that these parties were responsible for the groundwater

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 21

contamination in the Gilbert & Mosley site and sought to recover the costs of investigating and cleaning up the site. Several of the defendants have already settled the City's claims and an additional party now proposes to settle.

Under the proposed Settlement and Release Agreement with Glickman, Inc., the City would dismiss its claims against Glickman, Inc. for response costs in the Gilbert & Mosley Site. In return, Glickman, Inc. would pay the City the sum of \$425,000. The parties will seek Court approval of the settlement.

The settlement sum will be paid into the Gilbert & Mosley TIF fund and be used for the expenses of the Project.

Motion --
-- carried

Knight moved that the settlement and release Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CENTURY II

CONTRACT FOR RECRUITMENT SERVICES – CENTURY II DIRECTOR POSITION.

Agenda Report No. 00-1084.

The Century II Director will resign December 1, 2000 creating the need to hire a professional search firm for recruitment of this position.

The City solicited proposals from three search firms who specialize in executive search recruitment in the public sector. From that solicitation, the City received three proposals and the staff recommendation is to utilize the services of Gerald Plock Associates, Inc.

Gerald Plock Associates, Inc. has over 20 years of experience in executive search, recruitment, and local government management. Gerald Plock has been involved in more than 300 recruitments for cities, counties, special districts, public authorities, and not-for-profit institutions. Mr. Plock has specific expertise in the recruitment of convention and auditorium managers. The firm will be responsible for developing a recruitment position profile, assisting with recruitment/advertisement, identifying appropriate candidates, providing background and reference checks, and assisting with the interview process as necessary.

Gerald Plock's fee for recruitment services not to exceed \$16,000 which includes expenses aside from advertising costs. Funds are available from Park and Recreation operating budget to offset the recruitment and selection costs.

The Law Department will approve the contract as to form.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITIZEN ADVISORY

CONTRACT FOR COMPREHENSIVE PLAN CITIZEN ADVISORY COMMITTEE DISCUSSIONS FACILITATOR.

Agenda Report No. 00-1085.

On July 11, 2000, the City Council approved amendments to the 1993 Wichita-Sedgwick County Comprehensive Plan. The Wichita City Council and Sedgwick County Commission held several workshops and reached consensus that a number of issue areas would be appropriate for review by a broad-based Citizen Advisory Committee.

A Contract has been developed for Margalee Wright as the professional meeting facilitator to assist the City/County appointed Citizen Advisory Committee in undertaking review, discussion, and recommendation on certain issues related to the Wichita-Sedgwick County Comprehensive Plan.

The costs of hiring the facilitator will be shared equally between the City and the County (not to exceed \$4,950 each).

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 22

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR LEGACY PARK WILSON ESTATES ADDITION – SOUTH OF 21ST STREET, EAST OF ROCK ROAD. (District II)

Agenda Report No. 00-1086.

The City Council approved the project on June 27, 2000.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond financed improvements in Legacy Park Wilson Estates Addition. Per Administrative Regulation 7a, staff recommends the selection of PEC because PEC provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$12,000, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR EDMOOR POOL RENOVATION AND IMPROVEMENTS. (Districts I and II)

Agenda Report No. 00-1087.

On October 11, 2000, the Staff Screening and Selection Committee selected Water's Edge and Sutherland Builders to provide renovation and construction services for Edgemoor Pool. An agreement has been prepared.

It has been determined in recent years that Edgemoor Pool has several age and deterioration problems, including but not limited to, the pool shell seams, shell surfacing, testing of system operation, and pool ladders. The renovation of such features will ensure safe operation of the pool, will reduce ongoing maintenance expenses, and will allow consistent operation of the pool to maintain revenues for this operation – approximately \$25,000 annually.

Payment will be on a lump sum basis of \$91,882. Funds allocated in the department's 1999 and 2000 capital improvement programs for swimming pool repairs will be used to fund the improvements.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES AGREEMENT FOR ROCK ROAD ACCESS MANAGEMENT SERVICES. (Districts I and II)

Agenda Report No. 00-1088.

On August 10, 1999, the City Council authorized the Staff Screening and Selection Committee to select design engineers for the 2000 Arterial Corridors (W-200004). On November 3, 1999, the Staff Screening and Selection Committee selected consulting firms to perform the design engineering for the CIP projects.

HWS Consulting Group, Inc. was selected to design Rock Road Access Management, from Kellogg to the south City limits and between K-96 and 37th Street North.

Payment will be on a lump sum basis of \$41,515, and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

JUDGEMENT PAYMENT **PAYMENT OF JUDGMENT.**

Agenda Report No. 00-1090.

In 1999, the City was sued for damages relating to the death of the driver of a vehicle which collided with a police car at the intersection of Douglas and Meridian in March 1998. After a trial in Sedgwick County District Court the judge entered judgment against the City on the jury's verdict in the amount of \$153,305.24.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 23

It is unlikely that an appeal by the City of the trial court's rulings would result in a new trial and a subsequent verdict less than \$153,305.24. Consequently, the appropriate course of action is to pay the judgment. Interest accrues on the judgment at the rate of \$42.00 per day after September 19, 2000.

The cost of this judgment is to be paid from the Tort Claims Fund.

Motion -- carried

Knight moved that payment to plaintiffs, including costs and interest, be approved. Motion carried 7 to 0.

BUDGET

BUDGET TRANSFER FOR IMPROVEMENTS IN NEWLY ANNEXED AREAS.

Agenda Report No. 00-1091.

Since 1998, the City has annexed 100 miles of new streets. Many of these streets are in poor condition. The 2000 Budget allocated \$200,000 for maintenance activities in newly annexed areas.

The needs for street repairs in newly annexed areas outweigh the available resources. To address these needs, it is recommended that savings in the Street Maintenance division be allocated to annexed areas.

Projected under-expenditures in Street Maintenance operations are available to address the Annexed Areas shortfall. Funds are available due to Street Maintenance crews being diverted from routine maintenance activities for limb cleanup following storms early in the year.

Motion --
-- carried

Knight moved that the budget transfer of \$90,000 from Street Maintenance operations to the 2000 Newly Annexed Areas Account be approved. Motion carried 7 to 0.

HOUSING AUTHORITY **WICHITA HOUSING AUTHORITY FIVE-YEAR AND YEAR 2001 AGENCY PLANS.**

Agenda Report No. 00-1092.

On October 21, 1998, the Quality Housing and Work Responsibility Act of 1998 (QHWRA) was signed into law as part of the FY 1999 Appropriations Bill. One provision of the Act is the mandate for public housing authorities to prepare a 5-year plan showing the needs and goals for that period (update every five years) and a more detailed annual operating plan. The annual plan must include, among other things, information on the housing needs of the locality, population served, method of rent determination, operations, capital improvements, unmet housing needs of families with incomes less than 30 percent of median income, homeownership programs and efforts to coordinate public housing and Section 8 programs with local welfare agencies and providers. Section 511 of QHWRA requires the board of directors of a housing authority to conduct a public hearing to discuss the housing authority plans and to invite comments from the general public along with the Tenant Advisory Board regarding the plans. Primary changes from the existing operating plan is the inclusion of the Section 8 Homeownership Program and description of activities to fulfill deconcentration efforts in high concentration areas of low-income housing.

The Board of Housing Commissioners on September 28, 2000 held the required public hearing. After considering comments submitted at the hearing, the Board approved and certified the Wichita Housing Authority 5-Year and 2001 Annual Plans. The electronic submission is due to HUD by November 15, 2000.

The certification of the 5-Year and Year 2001 Annual Plans will bring the Wichita Housing Authority into compliance with OHWRA.

Motion --
-- carried

Knight moved that submission of the 5-Year and Year 2001 Agency Plans as adopted by the Board of Housing Commissioners be approved. Motion carried 7 to 0.

HOUSING SERVICES **1998 AND 1999 PERFORMANCE AND EVALUATION REPORTS – HOUSING SERVICES.**

Agenda Report No. 00-1093.

Since 1992, the Department of Housing and Urban Development (HUD) has awarded the City of Wichita, Department of Housing Services, funding through the Comprehensive Grant Program (CGP), recently renamed Capital Fund Program (CFP), to modernize and update its units in the Housing Authority inventory. Because the Wichita Housing Authority (WHA) has more than 250 housing units, modernization funds are awarded each year

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 24

on a formula basis. Eligible Housing Authorities share the national allocation that is determined by a calculation using various characteristics of the Housing Authority.

The \$1,207,523 budgeted for FFY 1998 is 100% obligated with only \$89,890 remaining to be expended. The FFY 1999 budget of \$1,042,140 is 33% obligated and 13% expended. Each budget will be closed within the required time frames.

The Public Housing Division has asked for a budget revision of the FFY 1998 CGP budget due to construction cost over runs. Line items cancelled will be done in later budget years. The FFY 1999 budget was also revised to make repairs to driveways and sidewalks that were cited by HUD inspectors as safety hazards. Both revisions are within HUD guidelines and will be obligated and expended by the required time frame.

Motion --
-- carried

Knight moved that submission of the 1998 and 1999 Performance and Evaluation Reports as adopted by the Board of Housing Commissioners be approved. Motion carried 7 to 0.

LANDFILL

ADJUSTMENT FOR BROOKS LANDFILL CONTRACTOR. (District VI)

Agenda Report No. 00-1094.

On November 19, 1996, the City Council approved the tipping fee of \$26 per ton effective January 1, 1997. The fee was projected to cover contracted Landfill operations and approved conservation programs, with any remaining balance to be transferred to the Landfill Post Closure Trust Fund to fund maintenance costs for 30 years after closure.

On April 29, 1997, the City Council approved a Contract with Herzog Environmental, Inc. for Landfill operations until it closes in 2001 and for closure of the active cell. The approved Contract resulted in a reduction of the Contractor's costs from \$6.71 to \$5.75 per ton (plus annual CPI increases beginning January 1, 1999), and set closure costs at \$7.9 million. Projections at that time anticipated an annual CPI increase of 3% for Herzog's \$5.75 portion of the tipping fee. Following approval of the new Contract, the City Council voted to continue the tipping fee at \$26 per ton.

The first increase, which became effective on January 1, 1999, was approved by the City Council on November 17, 1998, and raised Herzog's portion of the tipping fee from \$5.75/ton to \$5.84/ton (1.6%). Then on November 16, 1999, the City Council approved a 2.3% (\$0.13/ton) increase, raising Herzog's portion of the tipping fee from \$5.84/ton to \$5.97/ton. That increase became effective on January 1, 2000.

The U.S. Cities Consumer Price Index shows a 3.4% increase for the past year. The Contract with Herzog requires an annual tipping fee increase (beginning January 1, 2001) consistent with the CPI. The recommended 3.4% increase would raise Herzog's portion of the tipping fee from \$5.97 to \$6.18 per ton (\$0.21/ton).

Maintaining the \$26 per ton tipping fee until closure in October, 2001, is anticipated to provide adequate revenue for current operations (including CPI increases), closure activities, and post-closure maintenance and monitoring for 30 years after Brooks ceases to operate.

The increase in the Contractor's portion of the tipping fee is required under the terms of the Contract.

Motion --
-- carried

Knight moved that the present tipping fee of \$26.00 per ton be retained, and the 3.4% (\$0.21 per ton) increase in the Contractor's portion of the tipping fee be approved. Motion carried 7 to 0.

CONSOLIDATED PLAN HUD CONSOLIDATED PLAN – SUBSTANTIAL AMENDMENT.

Agenda Report No. 00-1095.

On October 3, 2000, the City Council authorized a 30-day public comment period to receive comments on a substantial amendment to the 2000/2001 One-Year Action Plan. The amendment permits the City to use CDBG funds for Non-Residential Historic Preservation Loan activities.

The Non-Residential Historic Preservation Loan program will provide low interest loans for the preservation, restoration and rehabilitation of historically and architecturally significant structures located in the 1919 Wichita City limits within the Neighborhood Revitalization Strategy Area.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 25

The structure to be rehabilitated must listed or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance.

Designated properties will be eligible for loans up to \$25,000 for activities that preserve the historic nature of the property, which have been approved by the State Historic Preservation Office.

HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan. The 30 day public comment period expired November 3, 2000 and no comments were received.

Motion --
-- carried

Knight moved that the substantial amendment to the One-Year Action Plan and submission to HUD be approved. Motion carried 7 to 0.

(Agenda Item No. 33)
PAVEMENT REPAIR

BRICK PAVEMENT REPAIR ON MOSLEY AND ROCK ISLAND. (District VI)

Motion -- carried

Cole moved that this Item be deferred two weeks. Motion carried 7 to 0.

WATER LINE

REPAIRS TO WATER LINE AT 23RD STREET NORTH AND HILLSIDE. (District I)

Agenda Report No. 00-1097.

On June 15, 2000, BRB Construction, a private contractor, struck a 24-inch lock joint water main in the northbound lane of Hillside at 23rd Street, with their directional boring equipment. The City's water line had been properly located by Staff.

The Department has neither the expertise nor the equipment to repair a lock joint main. Arrangements were made with W.B. Carter Construction Co. to make the repairs.

The total cost of the repair work that W.B. Carter did amounts to \$18,350. BRB Construction will reimburse the City for this expense.

Prior approval of the expense was not an option because of the emergency nature of the situation.

Motion -- carried

Knight moved that the expenditure be affirmed. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 433 SOUTH BROOKSIDE FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No 00-1098.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owners of 433 South Brookside, Joseph S. Scherr, has expressed an interest in selling this property to the City. The site contains 13,000 square feet and is improved with a 2,280 square foot brick, ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$112,000. The owner will accept a negotiated amount of \$140,000. Early acquisition will avoid future relocation. The property appears to be in good condition with no deferred maintenance noted. The residence will be leased by the owner until they find a replacement dwelling or until it is needed for the highway project.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$146,000 is requested. This includes \$125,000 for the acquisition, \$5,000 for demolition and \$1,000 for closing costs and title insurance.

Motion -- carried

Knight moved that the budget and contracts be approved; and the signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 26

PROPERTY ACQ.

ACQUISITION OF LAND NEAR KELLOGG AND MID-CONTINENT DRIVE (District V)

Agenda Report No. 00-1099.

In 1974, the City of Wichita acquired a 22.7 acre parcel of land located south of Kellogg from the United States Postal Service for the construction of Mid-Continent Drive. The City paid \$485,000 for the parcel (\$21,366 per acre). The land was transferred via two instruments. The land to be used for road purposes was transferred via a permanent easement. Surplus land was transferred by quitclaim deed.

The Airport Authority wishes to replat the land west of Mid-Continent Drive. The City deeded tract B to the Airport Authority in 1990. Tract B-1 is undeveloped and part of the land granted by permanent easement. As such, it is still titled to the United States Postal Service. The Postal Service has agreed to deed, at no cost, all of the land granted by easement to the Airport Authority, thus unifying ownership and allowing the entire tract west of Mid-Continent Drive to be replatted.

Market value of the property was paid for the easement in 1974. There is no further financial obligation required of the City.

Motion -- carried

Knight moved that the Donation be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AMENDED RES.

AMENDED RESOLUTION: 151ST STREET WEST IMPROVEMENT – FROM KELLOGG TO HENDRYX. (District V)

Agenda Report No. 00-1100.

On February 10, 1998, the City Council adopted a Resolution that authorized construction of 151st Street West, north of Kellogg, with the cost assessed to an improvement district. A Petition has been submitted by the developer to modify the fractions allocating the cost of the project.

An Amended Resolution has been prepared that corresponds with the developer's request.

There is no impact on the project budget.

State Statutes authorize the City Council to modify the allocation of special assessments within an improvement district.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ OCTOBER 24, 2000)

a) Tax exemption – Machining Specialists, Inc. (District IV)

ORDINANCE NO.

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Machining Specialists, Inc., so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

b) Z-3344 and Z-3343- south Side of 37th Street North, east of Ridge Road. (District V)

ORDINANCE NO.

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3344 and Z3343

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 27

- c) A 00-20 - west of 143rd Street East, ½ mile north of U.S. Highway 54 and south of KTA. (District II)

ORDINANCE NO.

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-20

FIRST READING ORDINANCE:

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

- a. Weed cutting.

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.

V-2124

V-2124 – VACATION OF A 10-FOOT UTILITY EASEMENT LOCATED NORTH OF 37TH STREET NORTH AND WEST OF ROCK ROAD. (District II)

Agenda Report No. 00-1101.

The applicant requests to vacate a utility easement to allow for a boundary shift for future construction of single-family homes. Lots 46 through 50, Block 2, Willowbend 3rd Addition will be shifted into four single-family lots. This vacation will ensure no single-family unit will be constructed over a utility easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VAC2000-00042

VAC2000-00042 – VACATION OF UTILITY EASEMENT LOCATED NORTH OF LINCOLN AND WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 00-1102.

The applicant is requesting to vacate a 20-foot utility easement along the shared boundary line of Lots 15 and 16 to allow for a boundary shift. The boundary shift will involve Lots 14 through 18, and will result in the creation of two additional lots.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 28

VAC2000-00040

VAC2000-00040 – VACATION OF ALLEY RIGHT-OF-WAY LOCATED SOUTH OF MURDOCK AVENUE, BETWEEN MARKET AND MAIN STREETS. (District VI)

Agenda Report No. 00-1103.

The applicants are requesting to vacate alley right-of-way for the future development of the lot:

The adjoining property owner to the south spoke in opposition to this request at the MAPC's advertised public hearing, raising concerns about access to his business. The MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. The applicants have guaranteed the closure of the alley return, and have dedicated a public access easement to Market Street in accordance with the conditions of MAPC. The vacated alley shall be retained as a utility easement. One written protest has been filed from the adjoining property owner mentioned above.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DED2000-27

DED2000-27 – DEDICATION OF UTILITY EASEMENT FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF CENTRAL AND WESTLINK AVENUE. (District I)

Agenda Report No.00-1104.

This Dedication is a requirement of Lot Split No. SUB 2000-72 and is being dedicated for the purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

DED2000-28

DED2000-28 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF CENTRAL AND WESTLINK AVENUE. (District V)

Agenda Report No. 00-1105.

This Dedication is a requirement of Lot Split No. SUB 2000-72 and is being dedicated for an additional ten feet of right-of-way for Central Avenue.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

SUB2000-25

SUB2000-25 – PLAT OF METRO EAST BAPTIST CHURCH ADDITION LOCATED ON THE SOUTHWEST CORNER OF 143RD STREET EAST AND KANSAS TURNPIKE. (District II)

Agenda Report No. 00-1106.

This site adjoins the City of Wichita and was approved to be annexed by the City of Wichita at the October 24, 2000 City Council Meeting. Although this site is within the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. Another petition, 100%, has been submitted for City water improvements. Both a City and County Certificate of Petitions have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. This plat will not be released by staff for recording until the annexation ordinance has been published.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be approved; and the resolution be adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 29

RESOLUTION NO. R-00-392

A Resolution of findings of advisability for construction of Water Distribution Number 448-89512 (southwest corner of 143rd Street East and the Kansas Turnpike) in the City of Wichita, Kansas presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ZON2000-00042

ZON2000-00042 – ADDITION OF OLD TOWN OVERLAY ON 3,000 SQUARE FEET ZONED LIMITED INDUSTRIAL, LOCATED ON THE SOUTH SIDE OF DOUGLAS APPROXIMATELY 125 FEET WEST OF WASHINGTON – 917 EAST DOUGLAS. (District I)

Agenda Report No. 00-1107.

The applicant is requesting “OT-O” Old Town Overlay zoning district designation. The underlying zoning of the property would remain “LI” Limited Industrial, but the property would become subject to the design and parking requirements of the “OT-O” district. Also, the property could be developed with residences on the upper floors since residential use is permitted in the “OT-O” district even though it would not be permitted in the underlying “LI” zoning absent the “OT-O” designation.

The existing building is a three-story structure that is 25 feet wide with an old grain elevator shaft on the rear. It fronts onto Douglas Avenue and abuts an alley on the south. The applicant proposes to redevelop the building with a small pizzeria-type restaurant on the first floor and three apartments on the second and third floors. The apartments are proposed to be two-story units.

The application area is located across Douglas from the existing “OT-O” Old Town Overlay district, which is bounded by Washington on the east, the BNSF right-of-way on the west, Douglas on the south, and 2nd Street on the north. The Old Town area is one of Wichita’s earliest commercial and warehousing districts with identifying characteristics of a strong grid street pattern and a predominate style of red brick Italianate architecture typical of early 20th Century commercial and industrial buildings.

The building maintains some similarity to the predominant style in the Old Town area. It has a continuous façade line along Douglas and common interior walls with the adjoining buildings.

On-street parallel parking is permitted along Douglas. An alley on the south (rear) gives a second means of access, but no parking. The owner intends to meet the on-site parking requirements partially by a shared parking agreement for some of the spaces on a parking lot to the south and partially by participation in the Old Town Parking District. The “OT-O” overlay designation reduces the total parking requirement for a restaurant from one space per four occupants to one space per three occupants.

Nearby uses along the south side of Douglas include a design studio, a boutique (Southwest Studio), The Beacon Restaurant, the Wichita Eagle-Beacon and the historic Rock Island Depot. A parking lot south of the alley is divided between private parking for the Wichita Eagle-Beacon and the architectural office to the south, McCluggage Van Sickle & Perry.

At the MAPC meeting held October 5, 2000, MAPC voted (12-0) to recommend approval subject to Staff comments. There were no citizens present to speak.

Motion --
-- carried

Knight moved that the Council concur with the findings of the MAPC and approve the Old Town Overlay, subject to recommended conditions, and approve first reading of the ordinance. Motion carried 7 to 0.

ORDINANCE

An Ordinance approving zoning classification or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified zoning Code, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over. ZON2000-00042

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 30

ZON2000-00044

ZON2000-00044 – ZONE CHANGE FROM LIMITED INDUSTRIAL TO LIMITED COMMERCIAL DISTRICT, LOCATED 200 FEET SOUTH OF LEWIS ON THE WEST SIDE OF LAURA – 421 AND 425 SOUTH LAURA. (District I)

Agenda Report No. 00-1108.

The applicant is requesting "LC" Limited Commercial District zoning for a 0.24 ? acre tract located south of Lewis and on the west side of Laura (421 & 425 South Laura). The application area is developed with two single-family houses.

The owners, Stanley Gene & Marilyn L. York, have requested "LC" Limited Commercial zoning in order to be able to sell the houses to prospective buyers for continued residential use. The current zoning, "LI" Limited Industrial, does not allow residential use. Prospective buyers cannot get residential mortgage insurance because the properties could not be rebuilt as residences if they were destroyed by more than 50% of their values.

The houses are located in an area zoned "LI" Limited Industrial. However, the application area is on a block that is developed with older, single-family residences on both sides of the street. Laura forms a cul-de-sac south of the application area. Kellogg Elementary School is located one-half block southeast of the application area.

At the MAPC meeting held on October 19, 2000, MAPC voted (12-0) to approve the proposed rezoning. There were no citizens present to speak on the request.

An emergency ordinance is being requested because of the passage of time for meeting the requirements to rezone the property, in order to maintain the existing use as a legal, conforming use.

Motion --
-- carried

Knight moved that the declaration of emergency be approved and the necessary signatures be authorized; and the Ordinance be adopted on first reading. Motion carried 7 to 0.

ORDINANCE NO.

An Ordinance approving zoning classification or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified zoning Code, as adopted by Section 28.04.010, as amended. Knight moved that the declaration of emergency be approved and Ordinance be adopted on its introduction. Motion carried 7 to 0. Ayes: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.
ZON2000-00042

AIRPORT AGENDA

AIRPORT

CHANGE ORDER: TERMINAL BUILDING FRONT DOORS REPLACEMENT – MID-CONTINENT.

Agenda Report No. 00-1109.

On October 14, 1999 the Wichita Airport Authority entered into a contract with Belles and Associates to provide the replacement of the Terminal Building Front Doors. During construction it was determined that certain work would need to be completed at night due to the excessive noise associated with the daytime construction. It was also determined that additional building and electrical work would be necessary. Also included is a deduct item for work on the carpet.

A Change Order has been prepared that authorizes the additional work.

The total cost of the additional work is \$11,111.31 and will be funded with Passenger Facility Charges.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

FLIGHT INFORMATION DISPLAY SYSTEM – MID-CONTINENT AIRPORT.

Agenda Report No. 00-1110.

The Flight Information Display System (FIDS) displays flight arrival and departure times for passengers. Currently, the information is displayed in the Terminal Building and the Airport Hilton. The replacement of the system will display information at the current locations and allow the information to be accessed from the Internet and by

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 31

telephone. The new system will also be ADA compliant. In 1998, the Wichita Airport Authority authorized the project and included it in the Capital Improvement Program. Staff identified the scope of the project and had anticipated the project's construction to be integrated into the Terminal Building remodel project, which has been deferred to a later date.

The original equipment was originally installed in 1985 and has now become very costly to maintain. Because of the age of the equipment, replacement parts will no longer be available in the near future. Additionally, the underlying database software is no longer supported. A new system will meet the needs of the airport and airlines, and will provide passengers with the accurate information they rely on. The RFP has been reviewed and approved by the Chief Information Officer of the City.

The project cost is estimated at \$522,000 and will be funded with Passenger Facility Charges.

The Project may be initiated as a design/build project.

Motion --
-- carried

Knight moved that the request for and selection of proposals be authorized and the 2000 CIP to include the project be amended. Motion carried 7 to 0.

AIRPORT

AGREEMENT – TIMESAVER UNLIMITED LLC DBA TIME SAVER.

Agenda Report No. 00-1111.

The WAA has received a request from Timesaver Unlimited LLC d/b/a Time Saver to provide shuttle service to and from Wichita Mid-Continent Airport. Time Saver has been operating throughout the State of Kansas for the past four years. The company is licensed under the Kansas Corporation Commission.

Time Saver operates from Galva, Kansas. The company accesses the airport approximately twice each week. This shuttle provides an avenue for travelers from small Kansas communities to be able to use Wichita Mid-Continent Airport. The agreement will allow Time Saver to park in the courtesy area while waiting for its customer(s).

The fee proposed for allowing Time Saver to drop off customers at the airport is \$1 per drop off. This fee is identical to that being collected by Kansas City. While the revenue to the WAA for the provision of this service is not significant, it does fill a need for travelers desiring to use Wichita Mid-Continent Airport.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

SUPPLEMENTAL AGREEMENT – OFF-AIRPORT RENTAL CAR AGENCIES.

Agenda Report No. 00-1112.

In 1993, the Wichita Airport Authority entered into agreements with both Enterprise and Thrifty Rental Car agencies to provide off-airport car rental services to travelers using Wichita Mid-Continent Airport. Compensation to the WAA for allowing access to Wichita Mid-Continent Airport is 8% of gross receipts. This percentage is 2% less than the on-airport operators located in the terminal building pay to the WAA.

Currently there are five rental car operators located in the terminal building: Avis, Budget, Dollar, Hertz and National. Agreements with Enterprise and Thrifty allow two additional choices off-airport for travelers in selecting their rental car providers.

Revenue to the WAA through August of this year is \$313,406.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 172

NOVEMBER 7, 2000

PAGE 32

AIRPORT

SUPPLEMENTAL AGREEMENT – HARRISON ARMSTRONG SHOESHINE CONCESSION.

Agenda Report No. 00-1113.

Harrison Armstrong has operated the shoeshine concession in the terminal building on Wichita Mid-Continent Airport for approximately ten years. Prior to that, the concession was operated by Conner Shoeshine. Services are provided 12 hours each day, Monday through Friday.

Demand for this service has decreased over the years as a result of travelers dressing more casually than they have in the past. However, there are those travelers who still seek out the service. During 1999, 3,700 customers utilized this service.

Shoeshine revenue to the Airport Authority is modest—the WAA receives 10% of the gross receipts, which amounts to approximately \$1,200 per year.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RECESS

The City Council recessed at 10:04 a.m. and reconvened to take up time certain Item No. 9 at 11:00 a.m. Gale, Martz, Pisciotte; absent.

ADJOURNMENT

The City Council Meeting adjourned at 11:04 a.m.

Pat Burnett CMC
City Clerk